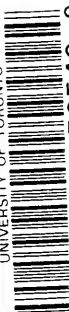


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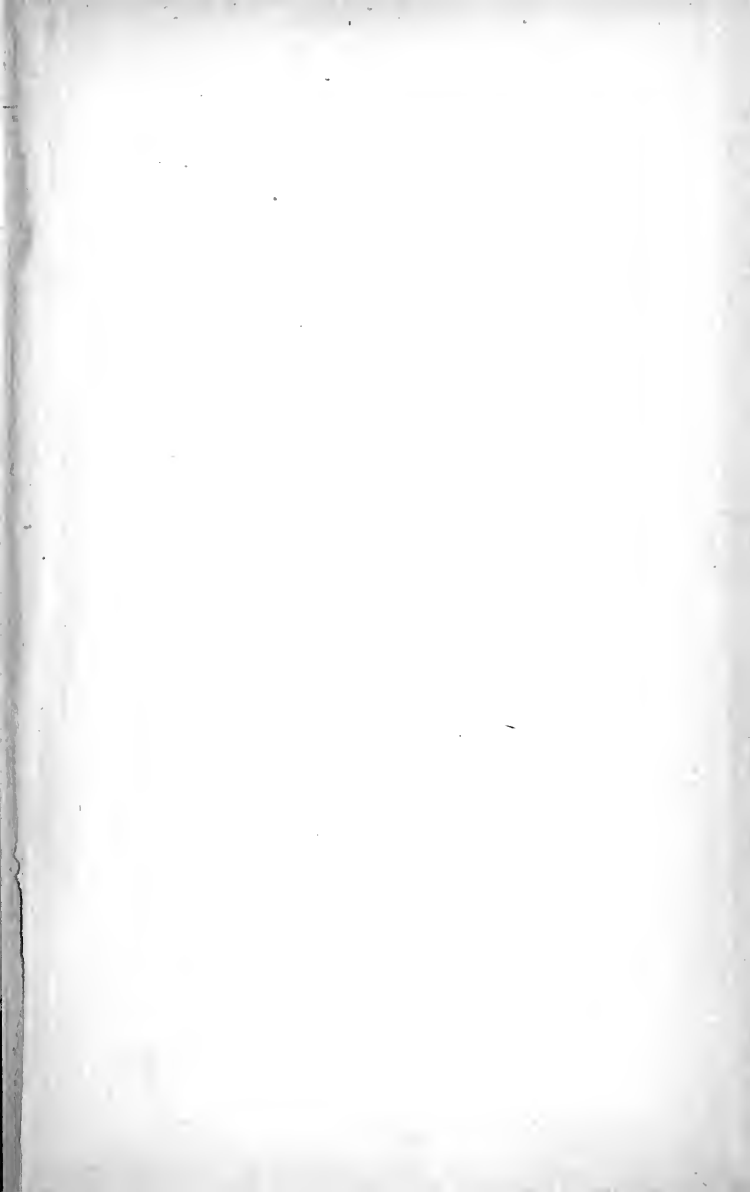


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The
Institutions
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Austria

John P.
Coldstream.





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THE
INSTITUTIONS
OF
AUSTRIA

BY
JOHN P. COLDSTREAM

WRITER TO HER MAJESTY'S SIGNET

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P R E F A C E

WHEN in Innsbruck last winter, I inquired for, but failed to obtain, a book containing the information given in the following pages.

Anxious to have it, I studied under Herr Rudolph Bergmeister, Doctor of Philosophy, and Herr Emil Knoll, Doctor of Laws; and as I believe many travellers in Austria would be glad to have some knowledge of the subjects treated of, I issue this book to the public in the hope that it will supply a felt want.

My best thanks are due to the gentlemen above named for their kind assistance, without which it would have been impossible for me to accomplish my object.

LONDON,
24th May 1895.

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CHAPTER I

HISTORICAL AND GEOGRAPHICAL

THE kingdoms of Austria and Hungary form a united Empire over which the Emperor Francis Joseph at present reigns. He was born in 1830. He succeeded his uncle Ferdinand in 1848, and he was married in 1854. The successor to the throne is the eldest brother of the Emperor, who has sons alive. Their ancestors of the House of Habsburg were Emperors of Germany from Rudolph I. in 1273 till Francis II. in 1804, who renounced the title, and became Francis First, Emperor of Austria. His successors remained the

nominal heads of Germany till the battle of Sadowa in 1866, when Prussia became the leading power of the German Confederation—Austria at the same time ceasing to be a German power.

The nucleus of the Empire was the Archduchy of Austria, the hereditary domain of the House of Habsburg. The other parts have chiefly become attached to it by treaty, marriage, or descent. Not much has been obtained by conquest. There is a certain weakness in this—embracing, as the kingdom does, many nations and races, having little sympathy with each other.

Austria means Eastern Kingdom—the German name for it being *Oesterreich*, so named as being the eastern part of Charlemagne's dominions.

The United Empire is divided by the river Leitha and some hills also of the same name, which form to some extent the boundary between Austria proper and Hungary.

The Austrian or Cis-Leithanian Provinces, named archdukedoms, counties, and kingdoms, with their capitals, are as follows :—

AUSTRIA PROPER, or CIS-LEITHANIAN STATES.—Cap. VIENNA.

	GOVERNMENTS.	CHIEF TOWNS.
Austria	Lower Austria	Vienna
	Upper Austria	Linz
Salzburg	Salzburg	Salzburg
Tyrol & Vorarlberg	Tyrol	Innsbruck
	Vorarlberg	Feldkirch
Styria.	Styria	Graz
Carinthia	Carinthia	Klagenfurt
Carniola	Carniola	Laybach
Istria	Görz and Gradisca	Görz
	Trieste	Trieste
Bohemia	Bohemia	Prague
Moravia	Moravia	Brünn
Austrian Silesia	Austrian Silesia	Troppau

	GOVERNMENTS.	CHIEF TOWNS.
Galicia	Galicia	Lemberg
Bukowina	Bukowina	Czernowitz
Dalmatia	Dalmatia	Zara

KINGDOM OF HUNGARY, OR TRANS-LEITHANIAN STATES.—Cap.
BUDA-PESTH.

Hungary	Hungary	Buda-Pesth
Slavonia and } Croatia }	Slavonia and } Croatia }	Agram
Transylvania	Transylvania	Klausenburg
Bosnia Herzegovina	{ Late Turkish Provinces, now under the Austrian Administration. }	{ Serai Mostar }

The population of the United Empire, according to the census of 1890, is about 41,359,204—that of Austria being about 23,895,413, and that of Hungary about 17,463,791.

The Empire is in extent about 265,000 English square miles.

Compared with France, Germany, and Italy in its population to area, Austria

is the lowest, as it has only about 170 persons to the square mile, while Germany has about 229, France 187, and Italy 179, The Emperor Francis Joseph, however, rules over a larger domain than that of any other European kingdom, excepting Russia, and Norway and Sweden.

The capital of the United Empire is Vienna, which has a population of 1,365,000. It is also the chief town of Austria. Buda-Pesth is the capital of Hungary, and other large towns in Austria are Prague, Brünn, Cracow, Lemberg, Graz, Trieste, Salzburg, and Innsbruck, and in Hungary Pressburg, Fünfkirchen, Azegegin and Maria-Theresiopol, etc., etc.

The chief rivers of the Empire are the Danube, the Moldau, the Elbe, and the Theiss.

The chief mountains are the Alps, the Karst, and the Carpathians; while its chief lakes are the Bodensee, Garda, and Platensee.

CHAPTER II

GOVERNMENT

AUSTRIA and Hungary have been united as an Empire since 1526, and, by the Act of 1713, they are declared to be inseparable.

The constitution of the Empire is called Dualismus, and is that of a limited Monarchy.

The Emperor has supreme power over the Army and Navy. He can declare war, and make peace. He is known and styled as the 'Emperor of Austria' and 'King of Hungary.' He can be approached by, and give audience in

absolute privacy to, any of his subjects, upon petition duly passed through a bureau taking cognisance of this particular and peculiar right of Austrian citizens.

The Emperor has an allowance of 9,300,000 florins a year, payable in equal parts by Austria and Hungary.¹

The Emperor has an absolute veto on all measures in all of the three Parliaments after named. He can also dissolve any of them.

The Legislative and Administrative

¹ The daily income of the principal rulers is said to be : Emperor of Russia £5000, Sultan of Turkey £3600, Emperor of Austria £2000, Emperor of Germany £1600, King of Italy £1200, Queen Victoria £1300, King of the Belgians £328, President of the French Republic £109, President of the United States £27.

Assemblies of the Empire are four in number, viz. :—

1. The Delegationen, which is the Imperial Parliament.

2. The Reichsrath and the Reichstag, which are the Parliaments for Austria proper and Hungary respectively.

3. The Landtag, which is the Parliament for the Provinces of the Empire of Austria.

4. The Gemeinderath or the Gemeindeausschuss, which are the Councils of the Communes, but they have no legislative functions proper.

THE DELEGATIONEN

The Legislative Assembly for the United Empire, or the Imperial Parliament, is called Delegationen, and was founded on 21st December 1867.

It acts as one House, but meets in two Chambers or bodies, one for Austria, and one for Hungary. Each Chamber has sixty members, composed of twenty members elected from the Upper House of each part of the United Empire, and forty from the Lower. It is elected for one year only.

The Chambers of the Imperial Parliament meet at the same time and in the same place, alternately in Austria and Hungary, and, as a rule, in the cities of Vienna and Buda-Pesth.

They legislate for the United Empire on (1) Its Foreign Policy, (2) Its Finances, (3) Its Army and Navy, and (4) for the affairs of Bosnia and Herzegovina, as they have no Landtag of their own.

A Minister of State for each of the first

three of these matters controls its departments, while the fourth is under the management of the Common Finance Minister.

The Ministers are appointed by the Emperor after consultation with leaders of parties. The Presidents of the Delegationen, as also the Vice-Presidents, must be members of the Chambers, but they receive no special salary. They are elected by the members.

Each Chamber meets separately, and discusses the measures and bills submitted to it by the Ministers of State, or by any six of its members. If both Chambers agree upon the matter submitted to them, the Emperor's sanction is obtained to it, and it becomes law. If the Chambers cannot agree, after each of them has discussed the

matter three times upon written communication from the other, a session of both Chambers is convened, and the question is decided by a majority of those present. Two-thirds of the members of the House must, however, in this case be in attendance. In the ordinary case the quorum of each Chamber is thirty members. The sittings of the Chambers are public, but they may be private on the proposition of the President, or of five members, and voted upon. The Chambers are convened by the writ of the Emperor.

The members of the *Delegationen* are paid 10 florins,¹ or about 16s. 8d., per day during the session, as well as their travelling expenses.

¹ A florin or gulden is equal to about 1s. 8d., English money.

Each Chamber appoints twenty-four judges to hear and determine any cases which may be brought against the Ministers of the Crown for breach of power; but such cases are hardly known.

Two per cent. being first paid by Hungary, the balance of the Imperial Expenditure is borne in the proportion of seventy per cent. by Austria and thirty per cent. by Hungary, the former being the wealthier country.

The Customs duties are the chief source of Imperial revenue. They are, however, imposed by the Reichsrath in Austria and by the Reichstag in Hungary.

The Imperial Revenue in 1894 was about 44,370,000 florins, and the Expenditure 148,850,000 florins—the excess of expenditure over revenue being borne by

Austria to the extent of 71,679,000 florins, and by Hungary to the amount of 32,809,000 florins.

The revenue of Austria in 1894 was 623,160,000 florins, and its expenditure was 620,830,000 florins. The revenue of Hungary in 1894 was 456,000,000 florins, and its expenditure 465,010,000 florins.

The National Debt is 2,759,900,000 florins, on which interest to the amount of 114,300,000 florins is paid annually.

The Commercial affairs of the Empire as well as its Customs duties, indirect taxation, Coinage, and Militia are matters of adjustment between the Ministers of Austria and Hungary.

While there is an Imperial Parliament for the United Empire, there are also Parliaments for each of its two parts—one for

Austria, sitting at Vienna, called the Reichsrath; and the other for Hungary, at Budapesth, called the Reichstag.

THE REICHSRATH

The Reichsrath is the Parliament of the Empire of Austria, and consists of two Houses—one called the Herren House, or Upper House; the other called the Abgeordneten House, *i.e.* the House of Deputies, or the Lower House. It is elected for six years.

THE HERREN HOUSE

The Herren House is composed of—(1) Princes of the Imperial House, who are majors. (2) Chiefs of noble houses, owning large estates, nominated by the Emperor, who, being once nominated, are members for life, and their successors after

them, and so this class, to some extent, is one of hereditary legislators. (3) Archbishops and Bishops with the dignity of Prince. (4) Men who have distinguished themselves in science, art, commerce, law, or medicine, who are nominated by the Emperor for life, on the advice of the Ministers of State. The number of members of the Upper House is not fixed, but it is about two hundred. The President, who must be a member of the House, is appointed for each session by the Emperor, and has a salary of about 8000 florins; while the Vice-President's salary is about 5000 florins. The members of this House are not paid. It meets at the same time as the Lower House.

Its members, not being Ministers, do not initiate measures, but the Ministers can

bring in bills as they choose in this House or the Lower House. A quorum of the House consists of forty members.

The Ministers of State are seven in number, and hold Portfolios as follows:— (1) Home Affairs; (2) Justice; (3) Religion and Education; (4) Commerce; (5) Militia; (6) Finance; (7) Agriculture. They need not be members of either House, but they may be. They can speak and attend in both Houses, and introduce bills in either House.

THE ABGEORDNETEN HOUSE

The Lower or Abgeordneten House is that of the Deputies, elected by the people, and consists of 353 members. It is elected for six years.

The people vote for its members in four classes in their various provinces.

The first class are the owners of large estates, who elect 85 members, so many for each province.

The second class are those who pay five florins of direct taxation in towns, and includes all doctors of the universities, whether they pay taxes or not. The towns are grouped so as to give one member for each group. The groups need not be of equal size. This class elects 115 members.

The third class is the chambers of commerce and industry, which elect 22 members. Each chamber either votes for a member of its own, or in some provinces the members of it vote for the same member as the second class, but they are called to do so by a meeting in a separate hall.

The fourth class are the members of the country Communes who pay five florins of direct taxation. They elect 131 members. The Communes for this purpose are divided into groups of 500 voters, and a certain number of Communes make an electoral district. Each Commune elects one or more representatives who elect one member of Parliament for the district, who must not be one of themselves.¹

A member of the Abgeordneten House must be thirty years of age, an Austrian

¹ As these pages are passing through the press an Electoral Reform Bill is before the Reichsrath, the result of which will however only add 47 new members to the House, and of these 13 alone are set apart for the representation of the whole of the working classes of the country. As this is considered wholly inadequate to meet the necessities of the case, the scheme is certain to be strongly opposed by the Socialist party.

citizen for three years, and himself a voter, and not a member of the Upper House. He may be of any occupation except an officer of the army or navy. Professors in the universities, clergy, and all Government officials are eligible, but an ordinary workman, though eligible, has never been appointed. The members are paid ten florins¹ a day during session, with their travelling expenses.

The President of the House, who must be a member of it, has a salary of about 8000 florins, while the Vice-President, also a member, has a salary of about 5000 florins. They are both elected by the members.

The elections are not all held on one day, and each class votes by itself in each province on a particular day. The Com-

¹ See Note p. 12.

munes vote first, then the citizens, then the chambers, and then the landowners, all on different days.

The election takes place in a public hall, where the voters gather; and their names being called over, if present, they go up to the presiding officer, and vote orally, or by a card placed by them in a box. If not present when called upon, they can attend and vote later on. Each province has its own custom of voting, orally or by card, and in some cases by both. A register is kept of all persons entitled to vote; and any one, except as after mentioned, being an Austrian citizen, can be placed on such register, provided he is twenty-four years of age, and pays five gulden of taxes, or is otherwise qualified, as before mentioned; but officers of the

army and navy cannot vote, except those of the first class, and then only by proxy.

Criminals, insane, and bankrupt persons cannot vote. Females only vote in the first class.

The official expenses of the election are paid by the Government, and the officers conducting it get extra remuneration if they are obliged to leave their usual place of residence to discharge the duty.

The candidates bear their own personal expenses; but they do not require to make any return of these to Government, and there is no limit to their amount.

Bribery does exist, but not to a very great extent. When it takes place, or any other irregularity in the election occurs, the Abgeordneten House can upset the same.

If a member dies during the currency

of a Parliament, his place is taken by another elected in the usual way.

Bills and measures can be introduced either by ministers or members.

A bill must be read three times in each House, and can be originated in either, except the Finance Bill, and such measures as deal with Army and Navy matters—not being their expenses—which must be introduced in the Lower House.

A quorum of the House in the ordinary case consists of 100 members.

Alterations in the constitution can only be made by a majority of two-thirds of each House, and in the Lower House half the members must be present.

The members stand up to vote for 'Yes,' and the 'Noes' sit still, and votes are counted.

The members are divided politically into two great parties of Conservatives and Liberals, with one or two smaller parties. At present the Ministry is a Coalition one, drawn from both parties in the State.

The Sessions of Parliament last for about six months or more.

There is a Court appointed by Parliament for the trial of Ministers for their acts; but it has never met.

THE LANDTAG

The third legislative body in the Empire is the Landtag. It is the Parliament of the Province, and there is one in each of the provinces, or combined provinces, of Austria.

The functions of the Landtag are pre-

scribed under the Constitution of 1861. It is elected for six years.

It is a legislative body consisting of one House only.

For an example of a Landtag, let us take that of the Tyrol, and examine its constitution.

Any one except a female, a criminal, or insane person, being a Tyrolese, of thirty years of age, and a voter, can be a member.

The electors, as for the Abgeordneten House, are divided into four classes. The first class are owners of land, paying fifty florins of direct taxation. The second class are the chambers of industry and commerce. The third class are citizens in the towns, who are classed among the two higher classes of tax-payers, and also those

of the third class who pay five florins, and in some towns ten florins, of direct taxation, as well as doctors of the University, lawyers, clergy, teachers, and Government officials. The fourth class are those who vote for Communal Councils, being among the two higher classes of tax-payers; and also those of the third class of Communal tax-payers, who pay five florins, and in some Communes ten florins of direct taxation.

The election is conducted as for the Abgeordneten House.—See page 17.

The members are elected for six years.

The President of the Landtag is called Landeshauptmann. He must be a member of it. His term of office is six years, as a rule. He is nominated by the Emperor. His salary is about 5000 florins.

There are fifty-eight members of the House. Among them are Archbishops, Bishops, and some Abbots, and also the Rector of the University—all *ex-officio*.

Professors of the University, merchants, lawyers, and peasants, may be found among the ordinary members.

The members are paid about five florins a day during the sitting of the House, but have no allowance for travelling expenses.

The Landtag is summoned by the Emperor for the transaction of business as occasion requires—as a rule once a year—and it sits as long as it has business to transact. This year (1895) it met in the first week of January, and rose the second week of February.

The Session is opened by a speech from the President, which is responded to by

the representative of the Emperor, *i.e.* the Governor of the province or his deputy.

The business transacted is that of the affairs of the Tyrol, such as public works, agriculture, forests, charities, roads, administration of property, education, religion, the militia, etc. The House can also represent to the Reichsrath that a certain law for Austria is required, and that a law passed by that body is a bad one.

Bills can be introduced by the President, the Governor of the province, or private members, and, when passed, they receive the sanction of the Emperor, who can withhold his consent. They do not require to be submitted to the Reichsrath.

There are six members of the House

who form the Landesausschuss, or the Executive. The President of the Chamber is the President of this body. Their salaries are about 2000 florins per annum.

The taxation imposed by the Executive must not exceed ten per cent. of the direct taxes imposed by the Reichsrath. If more is required, the consent of the Landtag and the Emperor must be obtained.

The taxation thus imposed is for roads, schools, the militia, and general administrative purposes, as well as for the land-bonds. These bonds are those given by the province to large owners of land in lieu of the services of the peasants which they, of old, required to render in payment of land rights.

THE COMMUNAL COUNCIL.

The Gemeinderath or Gemeindeausschuss—the Council of the Commune¹—is the fourth administrative chamber of the Empire. It has, however, no legislative functions.

The Gemeinderath is the name applied to it when the Council is one of a town with a certain population, and Gemeindeausschuss when it is one in a country district.

This Council is equivalent to the Town and Parish Councils of Great Britain.

Its duty is to administer the internal affairs of the Commune.

¹ By the term Commune, a district including a large town may be meant. A Commune is not solely a country or small village district.

The number of its members varies according to the size of the Commune, and the area of the Commune can be increased or decreased on application to, and by the authority of, the Landtag. The members of the Council must be twenty-four years of age, and members of the Commune, *i.e.* persons who have resided one year in the Commune, and pay direct taxes.

All Government officials, the clergy of all denominations, all doctors of the University and teachers who reside in the Commune, are *ex officio* electors, without regard to the taxes paid by them. The other electors are divided into three classes, according to the amount of taxes they pay; and they must be members of the Commune.

The Council is elected for three years. The President—called in towns *Bürgermeister*, and in country districts *Gemeindevorstand*—is elected by the Council. He has a salary varying according to the wealth of the Commune.

A peasant or shopkeeper in the country, and in large towns an *Avocat*, is generally elected to the office of President, and the large landowners are often not even members of the Council.

The Council elects a Committee of Administration of at least three members.

Among the duties of the Council are the following:—It must publish all Imperial Laws, by affixing a copy, as published in the *Official Gazette*, upon the walls of the Town Hall, and also publish it in any

official paper circulating in the Commune. The elementary schools are built and supported, and the teachers are paid, by the Council; but if the Commune is too poor to bear this burden, the Landtag of the province and the Reichsrath help.

The Council assists in the army levy, and in the quartering of soldiers. The Council administers the Communal land for pasture and forests. The Council, of its own accord, can tax the inhabitants for an amount to 25 per cent. beyond the amount of Imperial taxation, and upon authority from the executive of the Landtag—or the Landtag itself—further taxation can be imposed.

Taxation is imposed for roads, schools, water, lighting, sewerage, and administrative purposes. A man can be a member

of the Communal Council, the Landtag, the Reichsrath, and the Delegationen or Imperial Parliament at the same time.

For the purposes of Imperial administration, a number of what are called *Bezirkshauptmannschaften* are established. These are districts over which an officer designated *Bezirkshauptmann*, with a staff of officials, is appointed. They superintend the administration of Imperial affairs in the district, which generally includes several Communes. Such Imperial affairs include the superintendence of the army levy—the registration of births, marriages, and deaths—Imperial expenditure, etc.

THE REICHSTAG OF HUNGARY

The diets of Hungary, sometimes called *Tables*, are two in number, the one a

Table of Magnates, the other a Table of Deputies, the latter of which is returned in a similar manner to the Lower House of the Reichsrath of Austria.

From the foregoing account of the various legislative bodies of the Empire, it will be gathered how each of its component parts has a large say in law-making for itself. It is an example of 'Home Rule' all round. To a great extent, it satisfies the public demand, pleases the people, and works well. It also relieves the Imperial Parliament of much work, and from legislating on matters on which, owing to absence and distance from the place where the laws are to be carried out, and want of acquaintance with its local needs, the members fail to appreciate the true position of a

question, and the feelings of the people with regard to it.

There is, however, a demand for further Home Rule, as the deputies from South Tyrol, who speak Italian, have refused to take their places in the Landtag of the Tyrol which sits at Innsbruck, pleading, as they do, for a separate Landtag for the Italian-speaking part of the province.

CHAPTER III

JUSTICE

JUSTICE is administered in Austria in four distinct sets of ordinary tribunals, viz. :—

The Bezirksgericht.

The Landesgericht.

The Oberlandesgericht.

The Oberste Gerichtshof.

All these Courts have both a civil and a criminal jurisdiction.

THE BEZIRKSGERICHT

This is the Court of the district, of which there are many in each province. It is a Court only of first instance. It is presided over by one judge only,

whose salary varies from 1300 to 1800 florins.

All causes except those relating to marriage, fiscal matters, bankruptcy, and heirlooms of whatever value or nature, can be brought in this Court. There is an appeal from this Court to the Oberlandesgericht in all civil cases; but in cases under fifty florins only on questions of law, and no new evidence can be led in such cases.

The criminal jurisdiction of the Bezirksgericht extends only to petty offences, where the punishment is not more than two months' imprisonment. In criminal cases there is an appeal to the Landesgericht.

THE LANDESGERICHT

This is a Court of first instance for all

cases, and it exercises jurisdiction over a larger territory than the Bezirksgericht.

To each Landesgericht several judges are attached, and four judges are required for each case.

The judges of this Court are generally if not universally appointed from the Bezirksgericht; but it is not always the senior judge who is promoted, but the one best qualified from the lower Court. Some men remain as judges in the Bezirksgericht all their lives.

The salaries of the judges of the Landesgericht are from about 2000 to 2400 florins, while the President has from about 4500 to 6000.

In some places the Bezirksgericht is attached to the Landesgericht, and exercises part of its jurisdiction. In this

case, however, the inferior Court has its jurisdiction confined to cases of a value not exceeding 500 florins, and also to certain cases requiring despatch.

The criminal jurisdiction of the Landesgericht extends to all serious offences, including murder.

Some criminal cases in this Court are tried by four judges without a jury—while others are tried by three judges with a jury. But in all cases where the penalty exceeds five years' imprisonment, as also in all political and press offences, a jury must decide.

The Landesgericht is also a Court of Appeal, but only in criminal cases from the Bezirksgericht.

From the Landesgericht, in criminal cases, there is an appeal to the Oberlandesgericht on the question of guilt and

punishment, and new evidence can there be led; and there is also an appeal from the Landesgericht to the Oberste Gerichtshof on matters of law.

THE OBERLANDESGERICHT

This is the District Court of Appeal, and it does not exercise jurisdiction as a Court of first instance.

Appeals are competent in this Court both in civil and criminal cases from the Landesgericht, and in civil cases only from the Bezirksgericht. There is an appeal from this Court in civil cases to the Oberste Gerichtshof, but none in criminal.

There are nine tribunals of the Oberlandesgericht in Austria. Five judges, both in civil and criminal appeals, must hear each case.

The judges are appointed from the judges of the Landesgericht, and their salaries are from 2800 to 3600 florins. The President, however, has 8000 florins, and has equal rank with the Governor of the Province.

THE OBERSTE GERICHTSHOF

This is the highest ordinary judicial tribunal in Austria, and is solely a Court of Appeal. It sits in Vienna. There are forty-eight judges attached to it, and they meet in sessions of six, ten, and fifteen members, according to the nature and importance of the case.

There are two Presidents, each having a salary of 10,000 florins.

There are also five Presidents of sessions.

The judges are appointed from among those of the Oberlandesgericht.

An appeal to this Court lies in every case—except when the value of it in a civil suit is under 50 florins—but that only in civil cases from a judgment of the Oberlandesgericht, and in criminal cases only on a question of law from the Landesgericht.

Fourteen days only are given in which the appeal can be intimated to be taken in civil cases, and three days in criminal cases. For lodging the written appeal a further period of eight days is allowed.

All the above-named Courts are the ordinary Courts of law. There are, however, other Courts of Justice, such as—

THE REICHSGERICHT

This is a tribunal designed to protect the people from a breach of the constitution by the authorities. Here, disputes between

judicial and administrative authorities, as well as Imperial (*i.e.* Austrian) and provincial claims are decided. This tribunal has twelve judges, and two in reserve, attached to it, of whom eight and the President must sit in each case. Six members, and two in reserve, of the judges are elected for life by the Emperor from each House of the Reichsrath. They may be taken from among the judges of the Oberlandesgericht for the time, but frequently distinguished avocats and professors of law are asked to join the Court.

There is a further Court called the

VERWALTUNGS-GERICHTSHOF

It sits in Vienna, and its judges are specially appointed by the Emperor. In this Court an action can be brought as a

tribunal of last resort by a private person or aggrieved public body against a decision of a Commune, Landtag, or Stadthalter (Governor of a province) or a Minister of State.

THE JUDGES

The judges of Austria are not appointed to office, *cæteris paribus*, because they belong to a particular party in the State. There are men who choose, having passed at the Universities the State Law Examination, to follow the judicial branch of the profession. They are at first attached to a Court of Justice as apprentices, and assistant judges, and pass a special examination for judge even though they hold a university degree in law, *i.e.* Doctor of Laws, which, however, it is not necessary for them to have.

Their first judicial appointment as full judge is to the Bezirksgericht—the lowest tribunal of justice in the country. And from there they can, and many do, rise if they show ability, irrespective of their political opinions, from one Court of higher degree to another, till they reach the highest Court of Appeal.

As may have been gathered from previous remarks, when in England or Scotland one judge only would be found in a Court of first instance, four judges are often required in Austria, who among them receive the amount of salary, or even less, which in England or in Scotland would be paid to one man.

THE AVOCAT

An avocat is admitted to practise after taking his degree of doctor of laws at a

university, and spending seven years as an apprentice avocat, one at least, but not more than three, of which must be spent in the offices of the courts, and the others in the chambers of an avocat. After this training, if in the meantime he has not already done it, he passes his avocat's examination before specially appointed members of the Landesgericht, of the Oberlandesgericht, and of the bar.

During his apprenticeship with an avocat he is paid from 50 to 120 florins a month. Before he can practise on his own account at the bar, he is generally about thirty years of age.

An avocat can ask what fees he chooses, except for purely formal work, which is regulated, and in cases where disputes

arise, the Court on application settles the matter.¹

Before practising in a town an avocat must obtain the special permission of the Chamber of Avocats in that town. An avocat prepares and conducts the whole case without the intervention of a solicitor.

An avocat cannot become a judge of the Courts of the country, except it be, as has been before stated, that he is selected for special excellence, as a judge of the Reichsgericht. If at the beginning of his career he chose to be a pleader rather than a member of the judicial branch of the profession, such he must remain, as a rule, for life.

¹ An avocat in the best practice may make about £1200 a year, while about £160 is perhaps the lowest amount for a man in any practice at all.

THE NOTARY

A Notary requires to pass the State law examination at the university, and to serve as an apprentice with a notary. Before beginning to practise in a town, he must obtain permission from the Government, and there can only be a certain number of notaries in a district.

His duty is to prepare writs and documents, such as wills, deeds of transfer of property, etc.

CIVIL PROCEDURE

In a civil action the writ of summons is prepared by the avocat for the plaintiff, and lodged in Court, by whose authority it is served upon, or intimated to, the defendant, who requires to answer it in a given time. The writ of the plaintiff is

called Klage, while that of the defendant is called Einrede. A further interchange of pleadings takes place under the names of Replik, and Duplik, and a still further, and last interchange of writs is allowed under the names of Schlussrede, and Gegenschlussrede. Then, if need be, a proof of statements takes place, and judgment is pronounced.

In civil cases, where the value of the cause is above 500 florins, the written pleadings prepared by the avocats for the parties are the only statement of the case coming under the cognisance of the judges; no oral pleadings are allowed by the avocat. In matters up to the value of 500 florins, and in cases where there are no written pleadings, a litigant may conduct his own case.

The witnesses are examined by the judge; but the parties, or their avocats, with the permission of the judge, can put questions to them.

After the evidence is led the avocats have no opportunity of lodging another written pleading commenting upon it, and judgment is accordingly given.

As already indicated, there is an appeal in civil cases allowed within fourteen days from judgments of the Bezirksgericht and the Landesgericht to the Oberlandesgericht, and within the same time from the Oberlandesgericht to the Oberste Gerichtshof—in both which Courts of Appeal each party is allowed one written pleading, but in neither Court can counsel be heard at the bar.

In civil cases, during the examination

of witnesses, meetings of the Court are private.

There is no trial by jury in civil cases in Austria.

CRIMINAL PROCEDURE

There is a public prosecutor for the conduct of criminal cases, but it is left to the judge of the *Bezirksgericht* to get up the evidence, and in doing so he has the assistance of two persons, who hear and take notes of all the witnesses say, and who can be adduced, if need be, as witnesses at the trial, to prove what was said at the preliminary investigation.

After arrest, the accused person is allowed to be out of custody on bail if apprehended for a crime the punishment for which does not exceed five years' imprisonment.

In serious criminal cases the accused is tried by a jury, consisting of twelve men chosen by a ballot from thirty-six citizens called for each session of the Court, to the half of whom the public prosecutor or the accused can object. The jurors must be thirty years of age, must be able to read and write, and pay ten florins of taxes, and, in towns of upwards of 3000 inhabitants, twenty florins of taxes; but, irrespective of the amount of taxation paid by them, all doctors of the university and professors can act as jurors. A juror must be below sixty years of age. The clergy, women, officers of the army and navy, criminals, and insane persons are exempt. Those also are exempt from serving as jurors during the year following their last service. Their only remuneration is their

travelling expenses. When there is a jury, the prisoner must be defended by an avocat, and if he is too poor to retain such, the judge will assign one to him at the trial.

At the trial the prisoner is examined by the judge, as well as by the public prosecutor, and his own avocat. The President likewise examines the witnesses, but the prosecutor and avocat for the prisoner are permitted to put questions to them. When the evidence has been led the President formally announces the closing of the proof. This stops the further production of evidence. The prosecutor and avocat for the prisoner then address the jury, and thereafter the President gives a short and impartial *résumé* of the whole proceedings without expressing any opinion as to the guilt of the accused person. The jury can,

if unable to agree, return a verdict by a majority.

There is a code of punishment for crime, but a certain discretion is left to the judges, who take extenuating circumstances into consideration. As before indicated, an appeal lies in criminal cases, see pp. 40, 41 and 43. The public prosecutor has in such cases an equal right of appeal with the accused.

For murder, capital punishment exists, and that by hanging in the form of strangulation, no drop being used; but the Emperor very frequently exercises his clemency.

There is no imprisonment for debt, except in the cases of debtors preparing to leave the country to avoid payment: or where, when compelled to do so, they refuse

to swear if they have any property, or where it is to be found.

The decisions of the Oberste Gerichtshof are printed and published for reference by the judges and avocats, but they do not form any precedent.

The decisions of the other Courts are not so published.

The judges wear no robes or wigs when on the bench. Their official costume, as that of the public prosecutor, is a blue frock-coat with gilt buttons, and a narrow gilt stripe on the shoulder, with an official hat.

At a criminal trial for a minor offence, in the Landesgericht, the judges sit on common chairs in a small chamber, with a plain table, unprotected by covering, in front of them—their secretary being at

one end, and the prisoner before them, seated on a wooden bench, unguarded, except by two ushers, dressed somewhat as the judges. The public prosecutor, also in similar attire, sits at a small table in front to their right, and the avocat for the prisoner at a small table in front to their left. The avocats are neither robed nor wear wigs, but plead in morning costume.

At more important trials, with a jury, the court-room used is large, and fitted up more like that of England. A picture in oils of the Emperor is placed at the back of the President's chair in the court-room.

The witnesses are sworn by holding up three fingers of the right hand before a crucifix and lighted candles which are on the table of the court, and by taking an

oath, except when they object on religious grounds, when they can make a declaration.

A criminal case can be used for civil purposes, as for example, when a person has been found guilty of assault in a criminal case, the injured person can claim damages for the assault thus proven. In this case he joins the public prosecutor in the suit, and claims the damages he desires.

CHAPTER IV

BETROTHAL, MARRIAGE, AND DIVORCE

BETROTHAL

EXCEPT among the peasant proprietors, where the matter of marriage portions and succession to the family property enter largely into the contract, the young people of Austria are permitted very freely to exercise their own choice in the selection of their partners for life.

The choice having been made, betrothal rings are exchanged, and the parents of the young people duly cause their friends to take knowledge of it by the issue of cards announcing the engagement.

MARRIAGE

A man cannot marry his wife's sister or his own, or his wife's niece, but he may marry his brother's widow. An aunt and nephew cannot intermarry.

If either or both of the contracting parties are under twenty-four years of age, the consent of the father or guardian of the person under this age must be obtained prior to the marriage. But if not so obtained, and the marriage takes place, it is not null, but the offending parties are summoned to appear before the Court, where they are fined, and the marriage is declared legal.

If the father or guardian gives no satisfactory reason for withholding his consent, the parties can appeal to the judge of

the Landesgericht, who hears them, and decides upon the matter.

Public official parties are fined or imprisoned if they marry when their official salary—being their sole means of livelihood—is not 210 florins per annum in country places, and 315 florins in small towns, and 420 florins in large towns.

During his time of compulsory regular military service, a common soldier is forbidden to marry, and also, during the three years, from the age of twenty-one to twenty-four, that he is liable to be chosen for service.

Before marriage, an officer in the army must deposit with the Government money or approved securities to the value of 36,000 florins if he be a lieutenant, and 12,000 if he be a captain, to meet the allowances to his widow and family at his

death. On this sum, during his life, interest is paid to him, and on the death of the wife and children, and no remarriage by him, it is returned to him, or to such other persons—it may be his wife's relatives—who lodged the same on his behalf.

Before marriage, the father, or, if he is unable to do it, the grand-parents or great-grand-parents, of the bride, can be compelled, if able, by the future husband, to settle a suitable provision upon her.

The action for breach of promise of marriage on the score of blighted affection is unknown in Austria; but an action for special damage, such as expenses incurred in view of marriage, is allowed.

There may be a contract of marriage, settling the property of the parties,

executed either before or after the ceremony.

The issue of concubinage are legitimated by the subsequent marriage of the parents.

PROCLAMATION

Parties proposing to marry must be proclaimed once on three separate Sundays in the church of the parish where each resides, or, if not of the Roman Catholic faith, in the church where such parties worship, and, if in none such, or if, for any reason, the clergyman refuses to proclaim, a notice of the intended marriage is put up on the walls of the Town Hall of the place of residence of the parties three weeks before the ceremony.

A British person or an American can

be married in Austria simply by adhering to the forms for marriage prescribed by the law of Austria.

The marriage ceremony is either civil or religious. The former is performed by the Bürgermeister or other chief magistrate of the place, the latter by a priest or other clergyman.

The civil marriage can only be resorted to by persons having no Church connection, or by those whom the priest will not marry, as where he refuses, in the case where a Protestant and Roman Catholic are the contracting parties.

In the case of a religious marriage there is no civil marriage, and in this case, as a rule, the latter is not permitted; but where a marriage ceremony is performed by the English chaplain in a town

in Austria, the parties also require to be married before the Bürgermeister.

Two witnesses must always be present at the ceremony, however performed.

The registration of the marriage by the Bürgermeister, or other chief magistrate or clergyman performing the ceremony, is compulsory.

NULLITY OF MARRIAGE

An action can be maintained for nullity of marriage on the following grounds: (1) the parties contracting occupying the position of those within the forbidden degrees, (2) incompetency, (3) marriage with a paramour cited and found guilty in divorce proceedings, (4) marriage contracted by threats.

DIVORCE

An action for divorce cannot be maintained by Roman Catholics, or in the case where the marriage has been contracted between a Protestant and a Roman Catholic. The remedy, when such persons agree, is separation. Except, as before stated, an action for divorce lies (1) for adultery alone, (2) cruelty, (3) desertion for one year, (4) imprisonment for five years, (5) mutual consent, on the ground of aversion, or incompatibility of temper; but in this last case divorce is not granted at once, but only separation, and later on divorce, if necessary.

In all divorce proceedings, the judges must *in initio* have an interview with

the parties, and try to arrange matters between them.

The action is brought in the Landesgericht. Evidence must always be led; and appeal lies to the Oberlandesgericht.

CHAPTER V

SUCCESSION

ON the death of the husband intestate, the widow is entitled, if there is no child of the marriage, and no legal heir, to the whole of her husband's estate.

Should there be legal heirs, though no child, the widow, on her husband's death intestate, takes one quarter of his estate.

Should there survive the husband intestate not more than two children, the widow takes the life-rent only of a quarter of his property, the children taking the remainder.

If there survive the husband intestate

more than two children, the widow takes the life-rent of an equal part of his estate with the whole of them; as, for example, if there are six children, she takes the life-rent of one-seventh, the children taking the remainder equally among them, share and share alike.

The same rules of succession apply if the husband survives the wife as to her separate estate, which, unless otherwise vested before marriage, remains her separate property.

On the death of a person intestate survived by no spouse, the property is divided equally among the children. Should there be no children, but a parent, and brothers and sisters, the parent takes one-half of the property, and the other half is divided amongst the brothers and

sisters in equal parts, and where there are no relations at all the property goes to the Crown, except it be that of a priest, when one third of it goes to the poor of the Commune.

CHAPTER VI

PARENT AND CHILD

A FATHER in Austria is bound to support his child till it is of the age of twenty-four, and, till then, no child can choose its own residence without the consent of the father. This, however, in practice is generally very readily given.

A child attains its majority at the age of twenty-four, till which time, failing the guardianship of the father, it is under guardians, but the father can at any time, after it has reached the age of twenty, with the consent of the Court, declare his child major.

A father is not liable for his child's debts contracted without his permission.

After the age of fourteen, a child can choose his own business, and if the father does not give his consent an application can be made to the Court, which adjusts the matter.

The father administers the separate property of a child, if no other arrangements are made with regard to it, till it is twenty-four, and if before his death he does not appoint a guardian to it, the Court does, on being applied to.

The mother can act as a guardian to her child in conjunction with another person, but not alone.

The Court also appoints a guardian to an insane person, and to a person who wastes his money.

An illegitimate child must be supported by its father till the age of twenty-four, but it has no right of inheritance to its father's estate, although it has to its mother's.

A parent can disinherit a child (1) if such child has forsaken its parents in misfortune, (2) when a child is condemned to imprisonment for twenty years or for life, (3) where a child leads regularly an immoral life.

Except in the above cases, a child, notwithstanding the terms of any will made by a parent, must receive half of that portion which he would get if no will were made. See p. 68.

ADOPTION

In Austria, as in some other European countries, persons are permitted formally

to adopt children on certain conditions.

The person adopting must have no legal children of his own, he must be fifty years of age, and the child must be at least eighteen years younger.

Illegitimate children cannot be adopted by either parent.

No one can be adopted by two persons, except by a husband and a wife.

If a child to be adopted be not major at the time of adoption, its father must give his consent, and, failing the father, its guardian.

The adopted child takes the name of its adopting parent, retaining, however, its own likewise.

Up to the age of twenty-four, the adopting parent is liable for the child's

support. On the death of the adopting parent the adopted child takes the same share of the parent's estate as a legal child does.

Before adoption, a proper contract, between the adopter and the adopted and its father or guardians, must be duly signed before a judge of the Landesgericht.

An adopted child can, with the permission of the Emperor, succeed to the title of the adopting parent.

The adopted child is not barred from succession to its own father, and does not lose its rights as a child of its own proper parents.

An adopting parent cannot inherit from his adopted child.

CHAPTER VII

RELIGION AND EDUCATION

1. *Religion*

THE form of professed religion which chiefly prevails in the United Empire is the Roman Catholic.

There are said to be about 27,756,513 of Roman Catholics in the United Empire, of whom about 18,935,742 are in Austria, and upwards of 8,820,770 in Hungary.

The number of Roman Catholic priests in Austria is said to be upwards of 15,700, and in Hungary more than 6,700, while in Austria there are about 6,500 monks

and 10,200 nuns; and in Hungary about 3,100 monks and 2,200 nuns.

There are, moreover, thirty-nine Roman Catholic seminaries for the training of priests, besides the theological faculties in the universities, all of which are manned by Roman Catholics.

Of the Protestant faith, it is computed that there are about four millions in the Empire, of whom only about 430,000 are in Austria.¹ Before 1620, however, and for two hundred years previously, Protestantism, especially in Bohemia, was a much stronger power than it is at the present day. In that year, and at the battle of the 'White Hill' near Prague, Protest-

¹ In the Tyrol there are only two Protestant congregations, viz., at Innsbruck and Meran, and these are a hundred miles apart.

antism received a blow in Austria from which it has not recovered, and many thousands of Protestant families—many of them the best in the land—were driven from her borders for ever. Such was the result of the action of Maximillian I., the Bavarian Elector, who thus secured for the Roman Catholic faith that rooting and wide-spread influence it has since maintained. That in an enlightened age it should flourish still is due very much to the fact of the commixture of the priests with the people in their every-day life and village festivals; while in its magnificent pageants and processions, its ornaments and its incense, it makes an impression upon a sensuous and pleasure-loving, and, in the country places, childish community. By its alms, and other benefactions too,

it manages to retain a hold upon others not too rich in this world's goods.

Of the Greek Church there are believed to be upwards of seven millions in the Empire; while of the Jews there are about 1,800,000 professing their national faith, and about 6,000 Armenians. The number of Jews, however, in the Empire is said to be upwards of four millions.

The educated classes to a large extent, while nominally members of the Roman Catholic Church, do not really believe in its doctrines, and by many the Scriptures are not accepted as the revelation of God.

In Hungary, Ministers of State and other high officials may be found in the ranks of Protestantism; but in Austria nearly all high official positions are held by Roman

Catholics, although, theoretically, such can be held by persons irrespective of religious belief.

The State takes cognisance of certain recognised creeds and Churches, including those above mentioned; and for any one outside the pale of these to preach openly is against the law of the land. Open-air preaching by any one of any sect is prohibited.

The clergy of the Roman Catholic Church are all paid by the State, both in Hungary and Austria. In the latter country their salary is 420 florins a year; but, in addition, they have parsonages, and Church lands yielding rent; while they have also fees for baptisms, marriages, burials, masses, etc. etc.

The Protestant ministers have likewise

Government grants, but of less amount. From the statistics before given it will be observed how largely the faith of the Roman Catholics preponderates in Austria-Hungary. Their power and their influence are great, but less than some years ago. They have also immense wealth, and their land possessions are large. It is said that in Hungary alone 1,500,000 acres, or two per cent. of the land of the country, belong to them. Besides large incomes, many of their monasteries, chapters, and churches have pictures of priceless value, rare gems, and art-work in gold and silver, which vie with many royal collections elsewhere. In the Cathedral of Cracow will be found a unique collection of statuary, pictures, gold and silver ornaments, cups etc.

The incomes of some of the prelates are enormous. That of the Primate of Hungary, the Archbishop of Gran, is said to be a million florins a year; while the income of the Archbishop of Olmütz, in Moravia, is given at 400,000 florins. The late Cardinal Archbishop of Olmütz, Prince Fürstenberg, left a fortune of between two and three million pounds sterling.

2. *Education*

Education in Austria is in theory compulsory (but the compulsion is not always put in operation) for children from six to fourteen years of age.

So far as education is compulsory it is practically free; only the small fee of five florins a year being exigible from each child.

Such education is given in the national elementary schools, which are supported by the Communal Council, or by the Landtag.

There must be a school within a mile of the residence of families, if there are forty children of a school age in the district.

Each Commune has a Schulrath or school board, nominated by the Gemeinderath, and consisting of members representative of the Church, Education, the Communal Council, and the people at large.

There are, besides, District and Provincial Councils of Education, and inspectors of schools for each ; one of the Communal inspectors is often a priest. There are higher inspectors also, who are nominated by the Minister of Education.

The teachers are appointed by the Dis-

trict Council, and their nomination is confirmed by the Provincial Council.

There are also supported by the Government (the Reichsrath) Gymnasia for classical training, and Realschulen for practical training, in which modern languages are taught; as also Realgymnasia, where both the classics and modern languages are taught.

In all of these fees are paid by the pupils, but they can be dispensed with in the case of poor persons; they are, however, small, being only from about £1 to £2 per annum. In every school there must be a library with books suitable both for the teacher and the taught.

Teachers in a district must meet for conference once a year—those for a province every three years.

There are also in Austria seven polytechnical schools, which rank as Universities, where engineers, architects, etc., can qualify for their professions.

The Chambers of Commerce, with the help of the Government, support commercial schools, and the Government alone support trade and agricultural schools, as well as military, mining and nautical ones.

There are, besides, schools erected and supported by Protestants and Jews, which get no Government grant, but are subject to Government inspection.

All private schools are subject to Government inspection, and cannot be opened without its permission.

There is religious instruction in the national elementary and middle schools

at a particular hour. Its form is determined according to the faith of the majority of the parents of the children in attendance. Those whose parents are not of any particular faith need not attend.

The religious instruction is not given by the ordinary schoolmaster, but by one of the clergy, or by a specially appointed religious teacher.

The system of education thus described is fairly complete in theory, but as to elementary education, at all events, in the results it is not, it is said, so satisfactory as one would desire and expect from its methods.

THE UNIVERSITIES

The chief and complete Universities of Austria and Hungary, having the four Faculties, are six in number, and are

located in Vienna, Prague, Graz, Cracow, and Innsbruck, all in Austria, and at Buda-Pesth in Hungary.

There are other smaller universities which are wanting in one Faculty, namely, that of Divinity or Medicine.

The University in Austria is supported by the State,¹ and is managed by the Senate, consisting of the ordinary Professors.

The Rector, who is the President or Principal of the University, is elected by the Senate, and holds office for one year. He is always one of the Professors.

On the staff of the University there are also extra-ordinary Professors and Privat-Docenten or Lecturers, who teach the

¹ The province and town in which the university is situated also help when extraordinary expenditure is necessary.

same subjects as the Professors, or some particular branch of these, so that the student has the choice of a teacher on the subject he desires to study.

The State salaries of the Professors, extraordinary and ordinary, are from about £150 to £320 per annum, besides the fees of their students.

The Lecturers have to depend solely on the fees of their students as their emoluments of office.

The fees of the students for each teacher are from about 2 florins to 6 florins a semester, of which there are two in the year, a winter and a summer one. The fees payable by a student of philosophy at any of the Austrian Universities will not exceed £5 a year; and for his board and lodging from £40 to £50 more will suffice, accord-

ing to the town which he selects for his studies.

The Professors are appointed by the Government, but the Faculty in which the vacancy occurs nominates three men, from among whom the Minister of Education elects the man to be appointed.

The Faculties in the University are four in number, viz., (1) Philosophy; (2) Divinity; (3) Law; (4) Medicine. There is a Dean for each Faculty. The students, as a rule, enter the Universities about the age of eighteen, after having passed the Gymnasium Examination, which is a very difficult one.

To qualify for their degree they must study from four to five years, according to the rules of the particular Faculty in which they are to graduate, but they need

not take all the requisite classes in one University, and they can pass their examination and graduate in a University in which they have attended no classes at all; but at some University they must attend the necessary classes.

The Senate confers the degrees upon the successful candidates, after due examination, and also, in the Faculty of Philosophy, the writing of a thesis on a particular subject.

There is no fixed time for the ceremony, but it takes place whenever a man is found duly qualified, and desires to take his degree.

The ceremony is very simple. Only the Principal, the Dean, and one of the Professors of the particular Faculty in which the degree is to be taken represent

the Senate. The graduates, one or more, attend in evening dress, and stand before the Professors, flanked on each side by a servitor robed, and carrying a gilt mace, while the friends of the graduates (perhaps among them a few of the fair sex) honour them with their presence. The Professor of the Faculty reads a short homily to the graduates, to which one of them responds, and they take the oath of allegiance, swearing upon the National Arms at the top of the mace. They are then handed their diplomas, and receive the congratulations of the Principal, the Professors, and their friends, and thus closes a ceremony that has not lasted twenty minutes.

The Principal and Professors are not robed, either at the lectures or to attend minor functions, but they have robes to

wear on State occasions. The Universities very seldom confer degrees *honoris causa*, and only upon men who have really worked for them, and distinguished themselves in some branch of science or literature. It may be mentioned in passing that the Emperor of Austria has no University degree.

The students, as a rule, belong to one or other of the various corps, clubs, or societies attached to each University. Many of them wear a cap of a particular colour to signify to which corps they belong. White, green, blue, and yellow are the prevailing colours. Some clubs, as, for example, the literary and scientific one, have no cap as a sign of membership. Duels are fought between the members of the various corps, except those of a non-

fighting one. The weapons used in such duels are small swords or rapiers. The vital parts of the body, and the eyes, are protected; but the face and head being exposed are very frequently gashed and disfigured for life, as a result of this barbarous pastime. Clubs fight duels just as English clubs would challenge each other to football or cricket.

Attached to the Universities are bursaries for students, gained by merit and competition. The value of the highest of these is about £24. There are also Freie Tische (that is, free dinners) for poor students, and a students' aid society to help such.

There are no colleges proper, as at Oxford or Cambridge, but a student not living with his parents, lives, as do the

Scotch students, in lodgings or boarding-houses in the University towns.

The University system of Austria, thus described, is very much the same as that of Germany.

The close connection of the University with the State to some extent, no doubt, is an advantage; but, on the other hand, it prevents freedom of action, and occasionally leads to very awkward positions, as where, recently, when some of the Professors of the University of Innsbruck had already signed a congratulatory address to Prince Bismarck upon his eightieth birthday, the Rector was summoned to Vienna to an interview with the Minister of Education, and, as the result, the Professors had to withdraw their signatures.

CHAPTER VIII

LAND

THE land of Austria is held both by proprietors, owning large estates (some of them very large), and also by the peasant class in small holdings.

The law of entail prevails only among the noble families. An entail cannot be made except by a Bill, passing in the usual way through the Reichsrath, and receiving the sanction of the Emperor. It cannot be annulled or broken except by a similar proceeding.

Except where, as above, there is an entail, the land, on the death of its owner

is, as a rule, treated as his other property, and it, or its proceeds, is divided amongst his children; but in the province of the Tyrol, and other Alpine provinces, it is generally arranged among them that the eldest son takes the land, and pays out, or otherwise arranges as to the portions of the other children; but each province has its own customs and regulations as to this.

There is a Land Register for every district in the country, and the name of each owner, with a description of each holding, is entered in it. When he sells such, the deed of transfer in prescribed terms, and duly stamped, prepared by a notary, and signed by the owner, is in whole recorded in the Register, and in like manner mortgages on the property are recorded.

The notary's fees for a deed of transfer of land are one florin, when the value of the land bought is 200 florins, and rising to five florins, when the value is 5,000 florins.

In no case can the fee of the notary exceed 500 florins.

Land is usually let on lease for a period of not more than five years, with a notice of six months or a year.

The rent paid for agricultural land at present generally represents four per cent. on its value.

The owner is bound to keep the houses on the land in good order.

What the tenant at his own hand builds upon the land is the property of the owner at the end of the lease.

Land is not let for building purposes on

the ground-rent system. All land to be built on must be bought outright.

The present rate of interest on mortgages on lands and houses is from four to five per cent. The present rate of interest given by Banks on accounts current is three and seven-tenths per cent.

Succession duty is payable by the heir on the death of his predecessor.

The game on the land belongs to its owner; and if it is in extent two hectares or more, he can kill it himself without any license from the Government.

Owners of land in extent less than two hectares must combine and exercise their right by a common hunter, or they can let the game.

No one can shoot game in Austria without the permission of the owners of the

land, and poachers are punished according to law.

As a rule, a proprietor has the fishing rights of the streams owned by him. Frequently, however, the streams flowing through his land do not belong to himself, but are the property of the Government, or of some noble family. In this case, the fishing rights in these are generally let to private persons, or to clubs, who, to the exclusion of all else, can fish in their waters, having, however, to take out a license to fish from the Government. The right to fish always includes the right to use the banks on the stream for fishing purposes.

CHAPTER IX

THE ARMY AND NAVY

THERE is one imperial army for the united empire of Austria and Hungary.

The war strength of this army, including the Reserves and the Militia is one million eight hundred and sixty nine thousand men; and is distributed, subject to changes as follows, viz. :—

Infantry,	.	1,415,185	men.
Cavalry,	.	100,895	„
Artillery,	.	108,444	„
Train,	. . .	45,586	„
Technical Corps,	.	32,166	„
Sanitary Troops,	.	21,608	„

There are, moreover, 282,000 horses, and 2024 field-cannon included in the war strength of the army.

The peace strength of the army is 350,000 men, with 996 cannon and 65,000 horses.

It includes the following regiments, viz.: 102 regiments infantry, consisting each of four battalions, having four companies in each. About 600 (in war 7000) men form a battalion, and 131 (in war 236) men form a company.

Four regiments of Tyroler Jäger, each consisting of four battalions, having four companies in each; about 500 (in war 2000) men forming a battalion, and 95 (in war 240) men forming a company.

Forty-two regiments of cavalry, of two divisions in each. Three squadrons of 171

men, both in peace and war, being in each division.

Fourteen regiments of field artillery, having forty-two divisions, with three batteries in each; a battery having from 103 to 125 (in war 198) men, and from four to six cannon in each.

Six regiments of fortress artillery, having from two to three battalions, and three independent battalions—the battalions having 98 (in war 240) men in each. Besides, there are regiments of engineers, railway and telegraph regiments, medical corps, and baggage train. The annual levy for the army is 103,100 new men;¹ so many from each district, according to its population, are taken.

From the age of twenty-one to twenty-

¹ Of these 59,211 are furnished by Austria and 43,889 by Hungary.

three, all the men of a district must present themselves for inspection and selection to the proper authorities in it every year. A ballot of those found qualified takes place. Those chosen are liable to serve for twelve years in the army. For three years their service is regular, except they have passed the gymnasium examination, or an equivalent one, as at a commercial academy, when their service lasts only one year, unless at its close they fail to pass the officers' examination, when they must serve one year more. After the termination of their regular service men are liable to be called out in the reserve for seven years, and for two years thereafter in the militia.

A young man under twenty-one can choose the career of a soldier for his life, and may enlist as such in the regular army.

The men exempt from service are (1) persons physically or mentally unfit: (2) only sons or grandsons of fathers or grandfathers unable to work, or of widows: (3) only brothers of sisters who have no fathers or husbands: (4) younger sons of fathers unable to work, or of widows, if the elder sons are serving in the army: (5) teachers and clergymen.

Every man, however, not chosen as a soldier on account of any of the reasons of exemption, must pay, when twenty-four years of age, to the Government, a certain fine or tax, of about one to one hundred florins, regulated according to his income, which is devoted to the support of the families of those who fall in battle.

A soldier with the gymnasium qualification, unless he prove poverty, must pay

for his own clothes and arms, and support himself as he can afford, during the whole time of his service.

The result of this rule is, that in a regiment will be found many men who are much better clothed, and have a much better appearance, than the others.

A soldier supporting himself can live where he likes in the town where his regiment is quartered. Those who have studied medicine serve six months as soldiers, and six months as members of the medical staff.

The pay of an ordinary soldier is six kreuzers a day (equal to about ninepence a week), with two meals a day—practically only one good meal,—a sufficiency of black bread, and a supply of good tobacco, with, of course, accommodation in barracks.

A soldier cannot marry during his course of regular service of three years, and cannot do so during the course of his presenting himself for the district levy.

A man can elect to serve as an officer as his profession for life, beginning his training sometimes at ten years of age, and carrying arms at fourteen.

To obtain his commission as an officer, whether direct from the military schools or rising from the ranks as a gymnasium soldier,¹ he must pass the officer's examination.

There are special schools for cadets for each branch of the service, to enter which the under-gymnasium examination qualifies.

¹ It is only a gymnasium soldier who can rise from the ranks to be an officer.

The cadet must remain three or four years in the school, and then pass out by examination, when he joins a regiment as a cadet or sergeant, till a vacancy occurs in the regiment in which he desires to serve.

There are, however, superior officers' academies, from which a man joins the regiment at once as an officer. The pay of the officers is as follows:—

SALARIES AND QUARTER ALLOWANCES OF OFFICERS.

	SALARY.	QUARTER ALLOWANCE.
	<i>Florins.</i>	<i>Florins.</i>
2nd Lieutenant, . . .	600	440
1st Lieutenant, . . .	720	440
2nd Captain, . . .	900	776
1st Captain, . . .	1200	776
Major, . . .	1680	1080
Lieutenant-Colonel, . .	2100	1080
Colonel, . . .	3000	1360
General, . . .	4200	1464
Lieutenant-Marshal, . .	6300	1954
Master-General, . . .	8400	2552
Marshal, . . .	10,500	3340

(The Quarter allowances stated above refer to Vienna only ; they are smaller in the other cities, and are arranged in ten classes.)

As stated in a former chapter, an officer cannot marry without depositing certain sums (see p. 61) with the Government to pay the provisions to his widow and children; and he requires also to obtain the permission of the staff.

An officer disabled or infirm can at any time retire upon a pension.

The regulation price for a cavalry horse for soldiers is £27, and for an officer £32. These are chiefly bought in Poland. An officer pays for his own charger, but he can, if he chooses, buy it from the Government dépôt at £32, payable by instalments.

Duels occasionally take place among the officers of the Austrian army.

An officer offended by a brother officer should submit the matter to a committee

of officers, who try to arrange it. Should they, however, fail, and a challenge be sent to the supposed offender, he must, as a matter of honour, accept it. The challenged chooses the weapons, which are pistols or swords—generally the latter is preferred. The encounter often takes place in the army riding-school of the depôt, and occasionally results in death. In this case, the survivor is subjected to pains and penalties inflicted by a military court, and he is generally obliged to submit to the deprivation of his liberty for some time, and practical banishment from the part of the country where the duel was fought.¹

The Empire being a conglomeration of

¹ In connection with this matter, the following is taken from the daily press of February last :—The

several nations and races, speaking various languages and dialects, has in its various regiments men drawn from all parts of its borders. As far as possible the regiments are manned in such a way that those speaking the same language and coming from the same district will be associated together. German, however, is the lan-

Emperor yesterday received a deputation of the Diet of the Tyrol, which presented an address containing an interesting petition against duelling in the army. The document says:—‘We cannot help mentioning that the abuse of duelling, which is against all spiritual and worldly laws, still continues in the army to such a degree that an officer is constrained either to fight or give up his commission. It is with confidence in the Emperor’s justice that we ask your Majesty to speak a powerful word which will put a stop to this custom.’ The Emperor declared he approved the feelings which dictated this petition, that he hoped the unfortunate custom might be put a stop to, and that he would do all in his power so that the laws regulating duelling should be conscientiously applied.

guage of the army, and all the words of command are given in it.

THE NAVY

Austria having little sea-board and Hungary still less, and having no colonies to protect, has no need of a large navy. And so, her warships are few, being only about 121, with a tonnage of 112,307, and 403 guns.

These ships are manned by about 8,529 fighting men.

The annual levy of the empire for the navy is about 12,000 men. They are, as a rule, taken from the provinces having a sea-board, and the regulations for their levy are very much the same as those for the army. The men have four years of

active service, and then eight years in the reserve.

The chief man-of-war port is Pola on the Adriatic.

CHAPTER X

TRADE AND COMMERCE—INDUSTRY AND AGRICULTURE.

THE exports of Austria and Hungary are corn, wine, wood, cattle, sugar, glass, furniture, etc., and amount in all to about 722,700,000 florins per annum.

The imports amount to about 620,800,000 florins, and consist chiefly of tea, coffee, tobacco, rice, cotton, coal, petroleum, yarns, iron, foods, wine, flax, hemp, etc.

The wine trade of the country is the second largest in Europe.

There are 1962 breweries in the united empire.

There are 222 paper manufactories in the empire, but much English paper is sold.

There are many silk manufactories. The worms are chiefly reared in the South Tyrol, and in Vienna the silk is woven. The iron trade is a very large one, while the output of coal from the mines of the empire is also great. There is also a trade in gold, lead, copper, silver, and quicksilver, of all which there are mines in the empire. Austria is the richest of all the European countries in precious metals, and some of its mines seem well nigh inexhaustible. Mines which the Romans worked 2000 years ago yield ore still.

Tobacco is a Government monopoly both in production and sale.

Salt is a Government monopoly of

production only, and all the salt mines in the country are the property of the Government.

Other industries comprise glass, and glass goods, including stained and painted windows, china-ware, leather, furniture of curved wood, and toys, carriages, scythes (of which there are 140 manufactories), and sugar, which is a large industry; while there is an extensive trade in horses, especially in Hungary.

Agriculture is the industry by which the majority of the inhabitants live—two-thirds of the population of the united empire being engaged in it. The value of the agricultural produce of the country is computed at 2,400,000,000 florins, while 94 per cent. of the land is said to be productive. 37 per cent is under the plough; 25 per

cent is under pasture; $30\frac{6}{10}$ is under wood; $1\frac{1}{10}$ is under vine culture.

The railways of Austria and Hungary are partly Government and partly private enterprise, and in time, it is expected, Government will own all the lines. There are about 16,741 miles of lines.

The Post of the kingdom is under the administration of the Minister of Commerce, and is a source of great revenue and some profit to the Government.

The Telegraphs and Telephones of the country are all owned and worked by the Government.

The Water, of which there is a large quantity of good quality, is largely used as a motive power.

Of Shipping there is not a very large amount, the sea-board of the country being

small, extending only along the shores of the Adriatic from Trieste to Cattaro.

Of ocean steamers there are only about 282, chiefly sailing to the East, while there are about 1788 coasting vessels.

CHAPTER XI

THE RELIEF OF THE POOR

THERE is no special tax for the relief of the poor of Austria, but each Commune has a part of its land specially set apart for this purpose.

It is not permitted for persons promiscuously to beg in the street, and if such are found, not belonging to the locality, the police will take them into custody, and send them off to their own part of the country, or, if they are foreigners, they will take them to some frontier village or town and there leave them.

On the other hand, a destitute person brought to poverty by calamity or misfortune is practically allowed to solicit alms on the streets or roads, especially on Sundays, for his support. And on that day many persons will respond to his appeals as they pass. Poor persons also are supported by voluntary offerings in their homes; and in large towns, especially in Vienna, very much is done to ameliorate the sufferings of the poor by the establishment of soup kitchens, etc., etc. Police fines are devoted to the poor; a certain proportion of fees from public auctions, and public amusements also, go to their relief.

Many of the monasteries and convents have very large endowments, a part of which is generally devoted to charitable purposes.

When a clergyman of the Roman Catholic faith dies intestate, one-third of the value of his property goes to the poor of the Cómune where he resided.

There is in some Communes a special honorary official called 'The Father of the Poor,' who, with a committee of three persons, administers the poor fund derived from the sources mentioned above, except those from monasteries and convents.

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